

KENTUCKY DEPARTMENT OF EDUCATION
STAFF NOTE

Action/Discussion Item:

702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics and Revisions in Kentucky High School Athletic Association Constitution, Bylaws and Due Process Procedure (Final)

Applicable Statute or Regulation:

KRS 156.070
702 KAR 7:065
KHSAA Bylaws

Action Question:

Should the Kentucky Board of Education approve the amendments to 702 KAR 7:065, including the changes to the Kentucky High School Athletic Association Constitution, Bylaws and Due Process Procedure, which are incorporated by reference in 702 KAR 7:065?

History/Background:

Existing Policy. 702 KAR 7:065 designates the KHSAA as the entity to manage interscholastic athletics. As the designee, the regulation requires the KHSAA Board of Control to annually submit several reports as well as annually review its bylaws and determine any necessary changes. The bylaws are incorporated by reference in 702 KAR 7:065.

In accordance with 702 KAR 7:065, the KHSAA regularly submits through its liaison designated by the Kentucky Department of Education, all reporting requirements mandated by this regulation.

The regulation received its first review at the February 2005 meeting. It requires that the Association conduct a biennial review of its bylaws, and such was done during the later months of the 2003-2004 school year and the early meetings of the 2004-2005 school year by the Board of Control. In accordance with the KHSAA Constitution and Policies and Procedures, the following amendments to the KHSAA Bylaws were submitted to the Board of Control and/or the membership at the Annual Meeting in January 2005 and were approved by the listed votes. These amendments have been considered by the Board of Control of the KHSAA for implementation during the 2005-06 school year and were approved by the requisite vote. At the meeting, the following proposals received the necessary vote of the delegates. With 233 present, all proposals required 156 for passage:

Proposal	Author	Purpose	Vote	BOC
1	KHSAA Board of Control	An amendment to the KHSAA Constitution and Bylaw 23 to clarify the restrictions and scheduling limitations for KHSAA member schools scheduling in-state opponents.	187 yes, 35 no, 0 abstain	Unanimous
2	KHSAA Board of Control	An amendment to the KHSAA Constitution and Bylaw 23 to clarify the restrictions and scheduling limitations for KHSAA member schools scheduling out of state opponents, including more defined restrictions on schools that are not members of a state association.	186 yes, 35 no, 0 abstain	Unanimous

Proposal	Author	Purpose	Vote	BOC
3	KHSAA Board of Control	An amendment to KHSAA Bylaw 6, Section 1 that would clarify and codify the residence change exception.	190 yes, 30 no, 2 abstain	Unanimous
4	KHSAA Board of Control	An amendment to KHSAA Bylaw 6, Section 1 that would remove exception (f) from the bylaw due to the need for the allowable exceptions for state and national testing to be the same.	189 yes, 32 no, 1 abstain	Unanimous
5	KHSAA Board of Control	An amendment to KHSAA Bylaw 6, Section 1 that would allow for a new exception to the transfer rule to allow for a waiver of the rule if the student played no sports at any level during the entire previous school year while still being enrolled at the sending school.	205 yes, 16 no, 0 abstain	Unanimous
8	KHSAA Board of Control	An amendment to KHSAA Bylaw 6, Section 2 that would place current interpretations regarding the payment of the placement fees for foreign exchange students by any individual other than the student's family in the body of the bylaw rather than in the interpretations.	193 yes, 26 no, 1 abstain	Unanimous
10	KHSAA Board of Control	An amendment to KHSAA Bylaw 16 that would require reports of KHSAA violations and requests for investigation to be in writing.	202 yes, 18 no, 1 abstain	Unanimous
13	KHSAA Board of Control	An amendment to KHSAA Bylaw 25 to revise the manner in which matches are counted in golf and make allowances for events more consistent with interscholastic play as it is currently scheduled.	178 yes, 45 no, 2 abstain	Unanimous
17	KHSAA Board of Control	An amendment to KHSAA Bylaw 25 to revise the manner in which matches are counted in tennis, increase the tournament allowance and make allowances for events more consistent with interscholastic play as it is currently scheduled.	172 yes, 43 no, 10 abstain	Unanimous
19	Sam Harp, Danville High School	An amendment to KHSAA Bylaw 25 to revise pre-season practice allowances in football and attempt to equalize practice opportunities for traditional and non-traditional schools, implementing consecutive contact practice days restrictions as desired by KMA.	184 yes, 29 no, 10 abstain	Unanimous
20	Kim Gunning, Notre Dame Academy	An amendment to KHSAA Bylaw 25 to change the ending date for volleyball regular season to a fixed date consistent with the other team sports.	209 yes, 6 no, 8 abstain	Unanimous

The changes are submitted in draft form for approval, as attachments “B” (KHSAA Constitution), and “C” (KHSAA Bylaws).

One additional item is submitted for approval by the Kentucky Board of Education. Attachment “D” shows a draft of a proposed change to the KHSAA Due Process Procedure. This item, which was approved by the Board of Control, stipulates that the final ruling in an athletic eligibility matter must be issued by the Board of Control before a student's change in eligibility status can be effective. This will prevent students from being ineligible during part of the process, eligible following a hearing before a hearing officer, and

potentially ineligible following action of the Board of Control. This allows for final dispensation of an appeal prior to a change in status.

Staff Recommendation and Rationale:

Staff recommends final approval of the amendments to 702 KAR 7:065, including the changes to the KHSAA Constitution, Bylaws and Due Process Procedure. The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

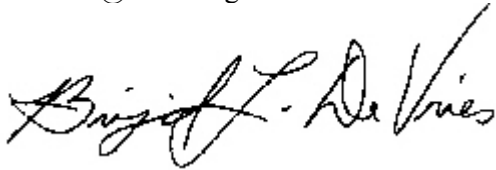
Groups Consulted and Brief Summary of Responses:

KHSAA Board of Control
KHSAA Annual Meeting Delegate Assembly
Local Superintendents Advisory Council (LSAC)

All affected KHSAA groups have concurred and approved the revisions. LSAC will provide its final advice via a letter from that body.

Contact Person:

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Recommending Contact Person

Commissioner of Education

Date:

April 2005